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FM AMEMBASSY KUWAIT
TO SECSTATE WASHDC NIACT IMMEDIATE 1013

S E C R E T KUWAIT 04818

E.O. 12356 DECL: OADR
TAGS:PREL, MOPS, CASC, PINS, SHUM, SREF, KU, IZ, UNSC
SUBJECT:TFKU01: TIGHTENING THE NOOSE ON IRAQ

11. SECRET - ENTIRE TEXT

12. NOW THAT WE HAVE OBTAINED UNSC RESOLUTION AUTHORIZING THE USE OF FORCE TO ENFORCE THE SANCTIONS AGAINST IRAQ, I PRESUME THAT IT WOULD BE USEFUL TO KEEP THE UNSC ACTIVELY ENGAGED AND RATCHET UP THE REAL AND PSYCHOLOGICAL PRESSURE ON IRAQ AT THE SAME TIME. FROM MY PERSPECTIVE, IT APPEARS THAT THIS MIGHT BE DONE BY BEGINNING TO SET UP MECHANISMS TO HOLD THE GOI AND IDENTIFIABLE GOI OFFICIALS COLLECTIVELY AND INDIVIDUALLY RESPONSIBLE FOR THEIR ACTIONS IN CONTRAVENTION OF THE LAW OF NATIONS AND SPECIFIC UNSC RESOLUTIONS.

13. AS A FIRST CUT, IT SEEMS FROM HERE THAT WE MIGHT CONSIDER TWO DISTINCT TRACKS SEPERATELY OR IN TANDEM:

- CRIMES AGAINST INTERNATIONAL LAW, HUMANITY AND WAR CRIMES:
THE FIRST TRACK WOULD BE A TRIBUNAL, BASED UPON THE NUREMBURG PRECEDENT, TO TRY PERSONS CRIMINALLY WHO FORMULATE, PUBLICIZE, IMPLEMENT OR JUSTIFY ACTIONS IN CONTRAVENTION OF POSITIVE INTERNATIONAL LAW AND NORMS OF COMITY. THE TREATMENT OF FOREIGN NATIONALS IN IRAQ AND IRAQI-OCCUPIED KUWAIT, AGAINST KUWAITIS AS A RESULT OF THE IRAQI AGGRESSION, FORCED LABOR, DENIAL OF CRITICAL MEDICAL CARE AND TREATMENT, ETC. WOULD FALL WITHIN THIS CATEGORY.
- REPARATIONS TO THE GOVERNMENT OF KUWAIT, FOREIGN GOVERNMENTS AND PRIVATE KUWAITI AND FOREIGN CITIZENS FOR LOSSES, THEFT, WRONGFUL IMPRISONMENT, ETC. SUCH ACTIVITY WOULD HELP TO DRIVE HOME TO THE IRAQI REGIME THAT THE INTERNATIONAL COMMUNITY NOT ONLY WILL NOT PERMIT IT TO RETAIN OR BENEFIT FROM ITS AGGRESSION AGAINST KUWAIT, BUT WILL HOLD IT LIABLE FOR THE FINANCIAL AND OTHER HARM DONE BY ITS ANNOUNCED POLICIES. IT WOULD ALSO LAY THE BASIS FOR THE USG, AND OTHER GOVERNMENTS, TO RECOVER COSTS OF DESTRUCTION, EVACUATION, ETC. AND GOVERNMENT PERSONNEL AND PRIVATE CITIZENS TO RECOVER LOSSES OF PERSONAL PROPERTY RESULTING FROM THE IRAQI INVASION.

HOWELL